

1 **DAVID J. COOK, ESQ. (State Bar # 060859)**
2 **ROBERT J. PERKISS, ESQ (State Bar # 62386)**
3 **COOK COLLECTION ATTORNEYS**
4 **A PROFESSIONAL LAW CORPORATION**
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6 San Francisco, CA 94102
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11 File No. 52,634

12 Attorneys for Plaintiffs
13 NEW CONTENDERS INC.; DILLON PRODUCTIONS INC.

14 UNITED STATES DISTRICT COURT
15
16 NORTHERN DISTRICT OF CALIFORNIA
17
18 SAN JOSE DIVISION

19 NEW CONTENDERS INC.;) CASE NO. C08-00017-RS
20 DILLON PRODUCTIONS INC..)
21)
22 Plaintiff,) PROOF OF SERVICE OF SUMMONS
23)
24 vs.)
25)
26 MIGUEL SANDOBAL doing business as)
27 Fiesta Night Club; ROSALIA)
28 HERRERA FRIEJE doing business as El)
Tropical Latino Restaurant,)
Defendants.)

Attached hereto for filing with the court is an original PROOF OF SERVICE OF SUMMONS and DECLARATION REGARDING DILIGENCE by a process server in the above-entitled matter.

DATED: April 10, 2008

COOK COLLECTION ATTORNEYS

By: /s/ David J. Cook
DAVID J. COOK, ESQ. (SB# 060859)
Attorneys for Plaintiffs
NEW CONTENDERS INC.;
DILLON PRODUCTIONS INC.

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Cook Collection Attorneys
333 Pine St. 3rd Floor
San Francisco, CA 94104-3381
(415) 989-4730 Ref. No. 00118669-01
Attorney For:

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Plaintiff: NEW CONSTRUCTION, et al
Defendant: MIGUEL SANDOBAL, et al

Case No.: C0800017
Proof of Service of Summons

Hearing Date: Time: Dept/Div:

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
f. other (specify documents): SUMMONS IN A CIVIL CASE; CIVIL COVER SHEET; COMPLAINT; ORDER FOR JUDGMENT; ORDER SETTING INITIAL CASE MANAGEMENT CONFERENCE & ADR DEADLINES; STANDING ORDER RE: INITIAL CASE MANAGEMENT; CONSENT TO PROCEED BEFORE A U.S. MAGISTRATE JUDGE; DECLINATION TO PROCEED BEFORE A MAGISTRATE JUDGE & REQUEST FOR REASSIGNMENT TO A U.S. DISTRICT JUDGE; STANDING ORDER FOR ALL JUDGES OF THE NORTHERN DIST. OF CALIFORNIA; STANDING ORDER RE: CASE MANAGEMENT IN CIVIL CASES; EFC REGISTRATION INFO HANDOUT; GENERAL ORDERS; NOTICE OF LAWSUIT & REQUEST FOR WAIVER OF SERVICES OF SUMMONS; ADR R
3. a. Party Served (specify name of party as shown on documents served):
ROSALIA HERRERA FRIEJE
doing business as EL TROPICAL LATINO RESTAURANT
4. Address where the party was served: 1312 HUME DR.
(Home) SANGER, CA 93657
5. I served the party
b. by substituted service. On (date): March 23, 2008 at (time): 05:48 pm I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3b):
JANE DOE REFUSED NAME, RESIDENT. HISP FEMALE 40YRS 170LBS 5'5" BLK HAIR
 - (2) (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (4) I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc. § 415.20). I mailed the documents on:
(date): 03/25/08
from (city): FRESNO, CA
 - (5) I attach a declaration of diligence stating actions taken first to attempt personal service.
6. The "Notice to the Person Served" (on the summons) was completed as follows:
a. as an individual defendant

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Plaintiff: NEW CONSTRUCTION, et al
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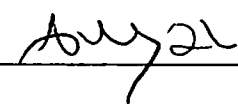
7. Person who served papers

- a. Andrew Duke
ACTION LEGAL SUPPORT
- b. 5528 North Palm Suite 123
Fresno, CA 93704
- c. (559) 432-3337

- d. The fee for service was: \$ 40.00
- e. I am
(3). Registered California process server
 - (i) independent contractor
 - (ii) Registration No. S2007119 EXP: 04/11/2009
 - (iii) County: FRESNO

8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 03/25/08

Signature: 

Jud. Coun. Form, rule 2.150
Judicial Council of California POS-010
[Rev. January 1, 2007]

405-00118669-01

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Attorney For:

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Plaintiff: NEW CONSTRUCTION, et al
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DECLARATION REGARDING DILIGENCE

Action Legal Support received the within named process on 03/21/08 and after diligent effort we have not been able to effect personal service on the within named party at the following addressess:

Servee: ROSALIA HERRARA FRIEJE
doing business as EL TROPICAL LATINO RESTAURANT

Home: 1312 HUME DR.
SANGER, CA 93657

03/21/08 07:49 pm NO ANSWER HOME
03/22/08 08:01 am NO ANSWER HOME
03/23/08 05:48 pm SUBSTITUTED SERVICE ON INDIVIDUAL

7. Person who served papers

- | | |
|--|--|
| a. Andrew Duke
ACTION LEGAL SUPPORT | d. The fee for service was: \$ 40.00 |
| b. 5528 North Palm Suite 123
Fresno, CA 93704 | e. I am |
| c. (559) 432-3337 | (3). Registered California process server |
| | (i) independent contractor |
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